

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: E.I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION

Case No. 2:13-md-2433

JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers

This document relates to: ALL CASES.

ORDER

This matter was transferred from the MDL Panel to this Court on April 9, 2013. (Doc. No. 1.) The Court herein addresses preliminary matters and schedules the first status conference.

Case caption and case numbers. This litigation currently consists of the following actions that were filed in or removed to the Southern District of Ohio:

Thomas Yakubik v. E. I. DuPont De Nemours and Co., Ohio Case No. 2:12-cv-815;

John Borman v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1180;

Betty Bragg v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1181;

Lotie Cline v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1182;

Elmer A. Crites v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1183;

Linda Davis v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1184;

Crystal Forshey v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1185;

Melinda Gibson v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1186;

Vicky Lightfritz v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1187;

Willard Lightfritz v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1188;

Kathi Lowe v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1189;

Kit McPeek-Stalnaker v. E. I. du Pont de Nemours and Co., Case No. 2:12-01190;

Thomas Eugene Molden v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1191;

Jack Offenberger v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1192;

Terry Pugh v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1193;

Kay Sheridan v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1194;

Herbert Short v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1195;

John Wright v. E. I. du Pont de Nemours and Co., Case No. 2:12-cv-1196; and

Amber Wriston v. E. I. du Pont de Nemours and Co., Case No. 2:13-cv-002.

This litigation also consists of the following actions that were filed in or removed to the Southern District of West Virginia, which have been transferred to and assigned a case number in the Southern District of Ohio:

Summer Mitchell v. E. I. du Pont de Nemours and Co., Case No. 2:13-cv-336;

Thomas Deryl Northup v. E. I. du Pont de Nemours and Co., Case No. 2:13-cv-339;

Kathy Selby v. E. I. du Pont de Nemours and Co., Case No., 2:13-cv-337;

Mary Harper v. E. I. du Pont de Nemours and Co., Case No. 2:13-cv-340;

Virginia Morrison, et al. v. E. I. du Pont de Nemours and Co., Case No. 2:13-cv-333

Scott Blackwell v. E. I. du Pont de Nemours and Co., Case No. 2:13-cv-335; and

Sandra Tennant v. E. I. du Pont de Nemours and Co., Case No. 2:13-cv-334.

The Clerk is **DIRECTED** to assign any related case subsequently received that currently lacks a Southern District of Ohio case number such a number. Any such case, as well as any case that is currently or subsequently filed in or removed to this Court that is added to this MDL by the MDL Panel, will be consolidated into such Case No. 2:13-md-2433 by this Court.

The parties are **DIRECTED** to caption every filing in this litigation as follows:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: E.I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION**

Case No. 2:13-md-2433

**JUDGE EDMUND A. SARGUS, JR.
Magistrate Judge Elizabeth P. Deavers**

This document relates to: _____.

When a pleading or other court document is intended to apply to all actions, the words “**ALL ACTIONS**” shall appear on the line next to the words “This document relates to” in the caption as set forth above. When a pleading or other court document is intended to be applicable only to one, some, but not all, of the cases governed by this order, the party filing the pleading shall indicate the actions to which the pleading is intended to apply in the line next to the words “This document relates to.”

The Court **DIRECTS** the Clerk to change the caption in Case No. 2:13-md-2433 from “Yakubik et al v. E.I. DuPont De Nemours and Company” to “In re: E.I. Du Pont De Nemours and Company C-8 Personal Injury Litigation.”

Status conferences. This Court shall set periodic status conferences. The parties are **DIRECTED** to confer prior to the status conference and file with the Court, no later than two business days prior to the conference, an agenda of issues to be addressed. Counsel should not regard this filing as an opportunity to present argument. Rather, the proposed agenda should simply set forth those issues the parties seek to discuss with the Court. If any matter on the

agenda is not resolved during informal discussions held at the status conference, the Court will set the matter for a subsequent in-court hearing. Following each status conference, the Court will issue an order memorializing the issues addressed and resolutions reached therein.

The Court hereby **SCHEDULES** the first status conference for **Tuesday May 14, 2013** at **10:00 a.m.** Although most status conferences will be held telephonically, the first conference will be held in person in Room 301 of the United States District Court, Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215. The parties should follow the directions in this Order to prepare for the conference.

Applicable procedural rules. Except as otherwise provided herein or by further order of this Court, the Federal Rules of Civil Procedure and Local Civil Rules of the United States District Court for the Southern District of Ohio shall govern all further proceedings in this litigation. Accordingly, unless otherwise ordered by this Court, the parties shall adhere to the default briefing schedule set forth in S. D. Ohio Civ. R. 7.2.

***Pro hac vice* applications.** Each attorney who is not already a member of the bar of this Court but who seeks to act as counsel for any party in these proceedings must apply for admission *pro hac vice*. The Magistrate Judge shall address such motions.

Electronic filing. All counsel must register for electronic filing with the Court pursuant to S.D. Ohio Civ. Rule 83.5(b). Counsel should register on-line at:
<http://www.ohsd.uscourts.gov/cmecfreg.htm>.

A log-on and password for electronic filing will be sent out the next business day. The Court will serve all notices and orders on counsel electronically. Additional information about electronic filing may be found at the Court's website: <http://www.ohsd.uscourts.gov/cmecf.htm>.

If counsel experiences any problems registering, he or she should call Lisa Wright at (614) 719-3222.

Pending motions. In the individual cases that are part of this MDL, there are several pending motions to consolidate and to stay pending an MDL Panel ruling on centralization. Based on the MDL Panel's Transfer Order and this Order, those motions have been rendered moot. The Court, therefore, **DENIES AS MOOT** all pending motions to consolidate and motions to stay in all of the individual cases and **DIRECTS** the Clerk to remove those motions from this Court's pending motions list.

Pending scheduling orders. There are several pretrial and trial scheduling orders issued in the individual cases that are part of this MDL. The Court hereby **VACATES** all existing scheduling orders and will discuss, *inter alia*, scheduling at the first status conference.

IT IS SO ORDERED.

4-12-2013
DATE

EAS
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

4-12-2013
DATE

Elizabeth P. Deavers
ELIZABETH P. DEAVERS
UNITED STATES MAGISTRATE JUDGE